Remarks/Arguments

Claims 1-26 are pending in the application. Claims 1, 2, 5-7, 9-12, 15-18, 22-24 and 26 are rejected. Claims 8, 13, 20, 21 and 25 have been withdrawn from consideration. Claims 3, 4, 7, 8, 13, 14, 20, 21 and 25 have been amended.

Information Disclosure Statement

Applicant has submitted under separate cover a Supplementary Information Disclosure Statement including other prior art – non patent literature documents for Examiner's review.

Drawings

Applicant has added the reference numerals 211a and 212a to Figure 2.

Applicant notes that the reference numeral 205 is mentioned in the description, specifically in paragraph [0029] as originally filed.

Accordingly, the drawings are believed to be in acceptable form. Favorable consideration is kindly requested.

Election/Restrictions

Applicant agrees that an election without traverse of claims 1-26 was made in the reply filed on 10/12/2006.

That being said, Applicant now wishes to itemize numerous errors that have been noted in point 2, on page 2, of the Office Action mailed on 12/26/2007, as follows:

1) Applicant had not amended previously claims 3 and 4, contrary to the Examiner's allegation that claims 3 and 4 are "newly submitted;" Applicant wishes to state on the record that claims 3 and 4 remained in their original form.

2) In the restriction requirement mailed on 04/05/2007, claims 3 and 4 were identified as being part of Group I. Only claims 13, 20, 21 and 25 were identified as being part of Group II.

3) The Examiner now appears to have reclassified claims 3 and 4 *as originally filed* as belonging to Group II. However, since Applicant had not amended claims 3 and 4 and since Applicant originally elected Group I, claims 1-7, 9-12, 15-19, 22-24 and 26, then Applicant considers it to be improper for the Examiner to make such an unauthorized amendment to the application. For the record, Applicant has not consented to surrendering the subject matter that is encompassed by claims 3 and 4 as originally filed. If the Examiner now feels that further restriction is appropriate, then the Examiner is invited to telephone Garry Morris and request an oral election. In the absence of a proper restriction requirement, Applicant considers claims 3 and 4 to remain under consideration.

4) The restriction requirement mailed on 04/05/2007 failed to identify claim 14 as belonging to either one of Groups I or II. Applicant noted this omission in the reply that was filed on 05/03/2007. That being said, claim 14 has not been objected to prior to the present action. Applicant now proposes further amending claim 14 in order to return claim 14 to its original form. Since claim 14 as originally filed was never subject to a proper restriction requirement, Applicant respectfully submits that it would be improper to deny entry of an amendment that merely returns claim 14 to its original form. Furthermore, claim 14 as originally filed does not recite a product-by-process limitation, and accordingly Applicant respectfully submits that claim 14 should be included in Group I. Accordingly, Applicant considers claim 14 to now be under consideration since it is not drawn to a non-elected invention.

5) Claims 8, 13, 20, 21 and 25, though currently withdrawn, have been amended in order to clarify that the claims are drawn to an apparatus. Applicant respectfully requests rejoinder of dependent claims 8, 13, 20, 21 and 25, once the base claims from which they depend are determined to be in allowable form.

6) Applicant wishes to receive clarification as to exactly what the Examiner considers to be "an action on the merits for the originally presented invention." To the best of Applicant's knowledge, the instant application has received only two requirements for restriction/election, neither one of which appears to contain any substantive rejections of the claims. Since a requirement for restrictions/elections is not considered to be an action on the merits, it appears to Applicant that the Examiner must be referring to the instant Office Action. If that is the case, then Applicant suggests that it is improper, at least in respect of claims 3, 4 and 14, for the Examiner to constructively elect claims by original presentation for prosecution on the merits **only at the time of mailing the first Office Action on the merits**.

7) Finally, Applicant notes that up to this point the instant application has received a piece-meal examination. Nineteen months have elapsed since the first of two separate restriction requirements was mailed. Even now, Applicant is uncertain as to the status of the claims. Applicant respectfully suggests that the Examiner refrain from making the next Office Action final, in order to ensure that the instant application receives fair consideration in view of the delay and uncertainty that has occurred to date. Applicant would be happy to consent to a telephone interview, should the Examiner deem it to be necessary.

Claim Rejections – 35 USC § 112

Claim 7 is rejected under 35 U.S.C. 112, second paragraph.

Claim 7 has been amended to depend from claim 4. Claim 4 provides proper antecedent basis for the term "the second semiconductor process." As discussed supra Applicant considers claim 4 to be under consideration since the Examiner's decision to withdraw claim 4 was not authorized and is considered to be improper. Accordingly, claim 7 is believed to now be in compliance with 35 U.S.C. 112, second paragraph. Favorable consideration is kindly requested.

Claim Rejections – 35 USC § 102

Claims 1, 2, 5, 6, 7, 9-12, 15-19, 22-24, and 26 are rejected under 35 USC 102(b) as being anticipated by Kitsukawa et al.

In order to reject a claim as anticipated, each and every element of a claim must be present within a single prior art reference.

A careful review of Kitsukawa does not show all of the elements of the independent claims explicitly disclosed therein. In particular, Kitsukawa teaches a **single** integrated circuit, and not several integrated circuits (See Figs. 2a and 2b). Kitsukawa teaches,

> "Referring to FIGS. 3a and 3b, the reference numerals 8a and 8b designate, in general, a 3.3 V version and a 2.5 V version, respectively, of the DRAM. The devices 8a and 8b receive positive external power (VDD) and ground external power (VSS) through the pads 19a, 19b (FIG. 2a), respectively, such that the VDD voltage equals 3.3 V for the device 8a and 2.5 V for the device 8b, and the VSS voltage equals 0 V for both devices. For the most part, the 3.3 V device 8a and the 2.5 V device 8b are identical, in that each comprise the same memory cell array 9, peripheral circuits 10, and output circuits 20. Furthermore, both devices 8a, 8b comprise first and second voltage regulators 22, 24, respectively. In both devices 8a, 8b, the first voltage regulator 22 supplies an array voltage (VARY) of about 2.0 V to the memory cell arrays 9. In the 3.3 V device 8a, the second voltage regulator 24 supplies a peripheral voltage (VPERI) of about 2.5 V for peripheral circuits 10. However, in the 2.5 V device 8b, the second voltage regulator 24 is disabled, as described below."

I note that versions 8a and 8b receive… through pads 19a and 19b as disclosed in the quoted portion. These pads are shown on a single die in Fig. 2a which therefore comprises both 8a and 8b. As such, clearly Kitsukawa does not teach first and second integrated circuit dies as recited in claims 1 and 17. As such, claims 1 and 17 cannot be anticipated by

Kitsukawa. Clearly, if each independent claim is not anticipated, then the dependent claims depending therefrom are also not anticipated.

Applicant notes that power rails within electrical circuits are not properly referred to as signals and therefore, the reference is not even directed to subject matter relevant to Applicant's invention.

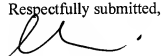
Further, Applicant notes that dependent claims 3, 4, 8, 13, 20, 21 and 25 have been amended in order to define more clearly an apparatus limitation. In particular, the term "is manufactured" has been amended to read "is manufacturable." Thus, the above-mentioned amended claims now define an apparatus wherein the first and second integrated circuit dies are manufacturable using first and second processes, respectively. Since none of the above-mentioned amended claims recites a process step, the claims are not properly considered product-by-process claims. Applicant respectfully submits that amended claims 3 and 4 are directed to the invention of Group I. Furthermore, Applicant respectfully submits that amended claims 8, 13, 20, 21 and 25 also are directed to the invention of Group I and are in condition to be rejoined should the independent claims from which they depend be deemed allowable. Favorable consideration is kindly requested.

A Petition for Extension of Time is filed concurrently with this response.

Please charge any additional fees or credit any overpayment to Deposit Account No. 50-1142.

Applicant looks forward to receiving favourable consideration of the instant application.

Respectfully submitted,



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